

RESOLUTION NO. 2005-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN
THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
NO. 2003-1, FISCAL YEAR 2005-06

The City Council of the City of Lodi (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, initiated proceedings and approved the Final Engineer's Annual Levy Report (hereafter referred to as the "Report") as presented or amended, which described the assessments against parcels of land within the Lodi Consolidated Landscape Maintenance District No. 2003-1 (hereafter referred to as the "District") for the fiscal year commencing July 1, 2005 and ending June 30, 2006; pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing the improvements located within the District; and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a Report in connection with the proposed levy and collection upon eligible parcels of land within the District, and the City Council did by previous Resolution approve such Report; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2005 and ending June 30, 2006, to pay the costs and expenses of operating, maintaining, and servicing the improvements within the District; and

WHEREAS, the assessments are in compliance with all laws pertaining to the levy of the landscape maintenance district assessments, and the assessments are levied without regard to property valuation, and the assessments are in compliance with the provisions of Prop 218.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1 Following notice duly given, the City Council has held a full and fair public hearing regarding its resolution amending the Final Engineer's Annual Levy Report prepared in connection therewith, the levy and collection of assessments, and considered all oral and written statements, protests, and communications made or filed by interested persons.

Section 2 Based upon its review (and amendments, as applicable) of the Final Engineer's Annual Levy Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- i) The land within the District will receive special benefit by the operation, maintenance, and servicing of landscaping, lighting, and appurtenant facilities within the boundaries of the District.
- ii) The District includes all of the lands receiving such special benefit.
- iii) The net amount to be assessed upon the lands within the District in accordance with the costs for the fiscal year commencing July 1, 2005 and ending June 30, 2006, is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefit to be received by each parcel from the improvements and services.

Section 3 The Report and assessment as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 4 The City Council hereby orders the proposed improvement services be performed. The improvements within the District may include, but are not limited to: street parkway trees, public park land, plants and trees, landscaping, irrigation and drainage systems, maintenance of pedestrian walkways, graffiti removal, maintenance and rebuilding of masonry walls, and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition.

Section 5 The maintenance, operation and servicing of the landscaping and shall be performed pursuant to the Act and the County Auditor of the County of San Joaquin shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6 The City Treasurer shall deposit all money representing assessments collected by the County of San Joaquin for the District to the credit of a fund for the Lodi Consolidated Landscape Maintenance District No. 2003-1, and such money shall be expended only for the maintenance, operation, and servicing of the landscaping, lighting, and appurtenant facilities as described in Section 4.

Section 7 The adoption of this Resolution constitutes the District levy for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006.

Section 8 The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

Section 9 A certified copy of the levy shall be filed in the office of the City Clerk and open for public inspection.

Dated: June 15, 2005

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I hereby certify that Resolution No. 2005-123 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 15, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and
Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk